

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

RENUKA MISRA

Plaintiff,

v.

XECHEM INTERNATIONAL, INC.,

Defendant.

Civil Action No.: 08 CV 03231

**AFFIDAVIT OF JAMES SWICKLE**

1. I am over the age of twenty-one years, and am competent to state under oath all of the following, of which I have personal knowledge.

2. I am a Private Process Server employed by J & K Investigative Services, Inc. (“J & K”). I have been employed by J & K for approximately 28 years.

3. I have never had an instance where any court has deemed that I improperly served legal papers.

4. I am very familiar with Rule 4 of the Federal Rules of Civil Procedure with respect to the service of process on a corporation. I understand that service of process on a corporation may be accomplished by delivering a copy of the summons and complaint to an officer or a managing or general agent of a corporation.

5. When entering a corporation’s business premises, I always ask to speak to an officer or agent of the corporation that is authorized to accept service. Before delivering the summons and complaint to an individual at a corporation, I always inquire whether that person is authorized to accept legal papers on behalf of the corporation.

6. On February 11, 2008 at approximately 11:45 a.m., I arrived at Xechem International, Inc.’s (“Xechem”) office at 370 Thornall Street, Edison, New Jersey 08837 to

serve the Summons, Complaint, Civil Cover Sheet, and Plaintiff's Rule 103.3 Disclosure of Affiliations and Financial Interest in the above-captioned action.

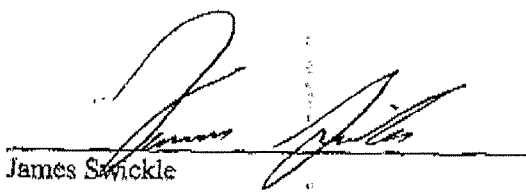
7. Upon entering Xechem's office, I asked to speak to the specific individuals identified in my service instructions (including Leonard Mudry) or to any officer or authorized agent of the company. A man appeared and identified himself as Leonard Mudry. I specifically asked Mr. Mudry if he was authorized to accept service of legal papers on behalf of Xechem, and he told me that he was. I asked him what his title was at Xechem, but he declined to furnish such information and repeated that he was authorized to accept service on behalf of Xechem. I handed over the above-listed documents to Mr. Mudry, who signed my "work papers" (a copy of which are attached hereto as Exhibit A).

8. Upon leaving, I called Xechem's office and a woman that identified herself as a secretary answered the phone. I asked her what Mr. Mudry's position was at Xechem so that I could accurately complete the Return of Service (a copy of which is attached hereto as Exhibit B). The secretary told me that Mr. Mudry was the Vice President of Finance for Xechem.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on:

7/30/08

  
James Sawickie

# EXHIBIT

# A

J & K Investigative Services, Inc.  
P.O. Box 88  
Somerville, NJ 08876  
Ph: 908.707.1900  
Fax: 908.704.8260



Server Information
RUSH SERVICE JIM

**RETURN TO OFFICE BY: 02/11/2008**

Court Date:

Received: 02/11/2008

**Job#:10460**

Court:	
Docket/Case No.:	AMD08CV 307
Plf:	Renuka Misra
Def:	Xechem International, Inc.
Documents:	SUMMONS; COMPLAINT WITH EXHIBITS

Recipient: Xechem International, Inc.	
Addr:	379 Thornall Street
CSZ:	Edison, NJ 08837
Phone:	732-205-0500
County:	MIDDLESEX County
Class:	COMMERCIAL
Addr:	
CSZ:	
Phone:	
County:	MIDDLESEX County
Class:	UNKNOWN

SPECIAL INSTRUCTIONS: PLEASE SERVE ON ROBERT SWIFT, LEONARD MUDRY, STEPHEN BURG, BENJAMIN s. WHITE, HOWARD BECKER, H. SCOTT ENGLISH AND RAMESH PENDEY

Date of Service: 2-11 Time of Service: 11:45  
Person Served: LEONARD MUDRY Relationship/Title: Refused  
Phone#: \_\_\_\_\_ Vice Pres. of Finance  
Sex: M Skin Color: W Hair Color: Gray Age: 702 Height: 5'10 Weight: 190  
Other Features: file # 97909 White

Date	Time	Info
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTEMPTS

Our Client: Capitol Process Services — File#:  
Requestor:  
1827 18th Street, N.W.  
Washington DC 20009  
Ph: 800-243-8773 ext 108 — Fax: 202-332-0741  
Occupation: Process Server

I ACKNOWLEDGE RECEIPT OF THE LEGAL DOCUMENTS LISTED ABOVE AND CONFIRM THAT THE NAMED PARTY IS NOT CURRENTLY IN ACTIVE MILITARY SERVICE. I FURTHER STATE I AM AUTHORIZED TO ACCEPT ALL LEGAL PROCESS ON BEHALF OF THE INTENDED RECIPIENT.

Rec'd By X L. A. Mady

# EXHIBIT

# B

• AO 440 (Rev. 10/93) [MD Rev. 02/2001] Summons in a Civil Action

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

RENUKA MISRA  
1405 Key Parkway East, Unit 201A  
Frederick, Maryland 21702  
V.

SUMMONS IN A CIVIL CASE

XECHEM INTERNATIONAL, INC.  
379 Thornall Street  
Edison, New Jersey 08837

CASE

ARG 08 CV 307

TO: (Name and address of Defendant)

XECHEM INTERNATIONAL, INC.  
379 Thornall Street  
Edison, New Jersey 08837

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Jeremy W. Schulman  
Leslie G. Moylan  
Shulman, Rogers, Gandal, Pardy & Ecker, PA  
11921 Rockville Pike, Third Floor  
Rockville, Maryland 20814  
202 778 1100

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**NOTICE - This case is subject to electronic filing.**  
Information on electronic filing procedures and how to register to use the electronic filing system can be found at: [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov)

Felicia C. Cannon

CLERK

(By) DEPUTY CLERK

DATE

2-5-08

• AO 440 (Rev. 10/93) [MD Rev. 02/2001] Summons in a Civil Action

* <b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 02-11-08 @ 11:45 am	
NAME OF SERVER (PRINT) James Swickle	TITLE Private Process Server	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input checked="" type="checkbox"/> G Served personally upon the defendant. Place where _____</p> <p>_____</p> <p><input type="checkbox"/> G Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</p> <p>Name of person with whom the summons and complaint were _____</p> <p><input type="checkbox"/> G Returned _____</p> <p>_____</p> <p><input type="checkbox"/> G Other (specify): <u>by serving Leonard Mudry, Vice President of Finance, authorized to accept. Service was completed at 379 Thornall Street, Edison, NJ 08837.</u></p>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed <u>2-12-08</u> _____</p> <p style="margin-left: 150px;">Date</p> <p style="margin-left: 250px;">Signature of Server</p> <p style="text-align: right; margin-right: 100px;"> <b>Capitol Process Services, Inc.</b>  1827 18th Street, NW  Washington, DC 20009 </p> <p style="text-align: center; margin-top: 10px;">_____ Address of Server</p> <p>* Civil Cover Sheet, Plaintiff's Rule 103.3 Disclosure of Affiliations and Financial Interest</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.